

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 187

Case No. 77-24

October 13, 1977

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 15, 1977 to consider an amendment to the text of the D. C. Zoning Regulations. This amendment would create a process to allow the Zoning Commission to approve applications for planned unit developments in final form after one public hearing, in place of the current process which requires two hearings before the Zoning Commission and at least one before the Board of Zoning Adjustment.

At its public meeting held on August 11, 1977, the Zoning Commission determined that it would give expedited treatment to the processing of this application. The Commission determined that the desire to retain a major business and employer in the District of Columbia as well as the desire to create a development package offering significant public amenities in the downtown area provided the good cause necessary for waiving Section 3.411 of the Rules of Practice and Procedure. Specifically, the Commission waived the requirement of giving notice of the hearing in two newspapers, in favor of one newspaper as required by the Zoning Act.

The Commission finds that the current procedure for processing planned unit developments involves at least three separate applications, including preliminary and final approvals from the Zoning Commission and further processing by the Board of Zoning Adjustment. Given the requirements of notice and hearing in each proceeding, the three step process requires a theoretical minimum of approximately eighteen months. Since the PUD process was adopted in 1958, it has taken an average of two and one half years to process all PUD projects. Since 1972, when the Zoning Commission adopted new rules of procedure, processing of individual cases has taken significantly longer than the average.

The Commission finds that the purpose of the PUD

process is to "encourage, in the various zoning districts, in keeping with the intent and purpose of each district, the development of well planned residential, institutional and commercial developments, industrial parks, urban renewal projects or a combination thereof, which will offer a variety of building types with more attractive and efficient overall planning and design without sacrificing creative and imaginative planning." The Commission finds that the amount of time required to process a PUD is a substantial deterrent to the use of the process, and thwarts the achievement of the goals as set out above.

The Commission finds that there are circumstances where a one-step processing of PUD's would be appropriate, where an applicant would receive final approval from the Zoning Commission after one hearing, and proceed directly to the stage of filing building permit applications without review by the Board of Zoning Adjustment. The Commission finds that such a one-step review can be implemented to improve the process which would be consistent with the entire thrust of the process and which would not sacrifice any of the public's rights of due process.

The Commission finds that such a one-step process can be reasonably implemented in those situations where the applicant proposes no change in zoning, where the existing zoning is C-3-B or C-4, and where the Zoning Commission determines that the project is of particular merit. These limitations restrict the use of the process to these situations where the questions raised will be primarily design and amenity issues, since the permitted uses will not be changed, and the potential issues in height and density are minimal.

The Commission finds that the application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and that the NCPC reported that the proposed amendment would not have a negative impact on the interests or functions of the Federal Establishment within the National Capital.

The Commission finds that the proposed amendment is in the best interests of the District of Columbia and is consistent with the intent and purpose of the PUD process, the Zoning Regulations and the Zoning Act. The Commission therefore hereby orders adoption of the following amendments to the Zoning Regulations:

Add a new Sub-section 7501.6 to read as follows:

7501.6 -- ONE STEP PROCEDURE FOR APPROVAL OF CERTAIN PROPOSED PLANNED UNIT DEVELOPMENTS IN MAJOR BUSINESS AND EMPLOYMENT CENTERS -- To further the purposes of Planned Unit Development, as provided in Sub-section 7501.1, the Zoning Commission may afford One-Step processing to certain proposed Planned Unit Developments to be constructed in the C-3-B and C-4 Zone Districts, where: (a) no change in zoning is sought; (b) the proposed project is of particular merit or provides other significant public benefits; and (c), the Zoning Commission determines that it is appropriate to review and implement the proposed project pursuant to the provisions of this Sub-section in lieu of Sub-sections 7501.4 through 7501.5.

7501.61 -- Any applicant seeking to invoke the provisions of this Section 7501.6 shall file an application for One-Step processing with the Zoning Commission, stating the reasons therefore, together with such supporting data as is necessary to fully describe the proposed project and permit review thereof. The applicant shall comply with the filing requirements of Paragraph 7501.31 at the time the application is filed. If a public hearing is granted, at least ten days prior to advertisement, the applicant shall comply with the requirements of Paragraph 7501.39, except Sub-paragraph 7501.39 (a), as well as the following:

1. A preliminary grading and drainage plan, indicating thereon the location of buildings, roads, sidewalks, water and sewer lines, inlets and basins.
2. Estimated quantities of potable water required by the project, sewage and storm water, including methods of calculating the same.
- 3.. Location of proposed connections to water lines,, sanitary and storm sewers.
4. Proposed erosion control measures shown on the site plan.
5. A landscaping plan.

7501.62 -- Seven calendar days prior to filing an application under this section the applicant shall mail written notice of its intent to file the application to the Advisory Neighborhood Commission (ANC) in which the property in question is located, to all ANC's which immediately abut that

ANC, and to all property owners within 200 feet of the perimeter of the property in question. The applicant shall also publish a summary of its application in a newspaper of general circulation.

7501.63 -- Upon receipt of such application, the Zoning Commission may order that a public hearing be held on the merits of the proposed project at the earliest possible time. A minimum of thirty days notice of such public hearing shall be given, and the notice shall state that One-Step processing is being afforded.

7501.64 -- Hearings pursuant to Sub-section 7501.6 shall be conducted in such manner as to enable the Zoning Commission if it determines to act on the application, to issue a final order, pursuant to Sub-section 7501.66, permitting application, for and grant of, all necessary construction permits without further processing by the Zoning Commission or Board of Zoning Adjustment.

7501.65 -- The Municipal Planning Office shall file with the Zoning Commission a written report and recommendation on the proposed project not less than five days prior to the public hearing. In preparing its report and recommendation, the Municipal Planning Office shall consult with the Department of Transportation, the Department of Environmental Services, and such other District agencies as it deems appropriate.

7501.66 -- After the close of the public hearing, the Zoning Commission shall issue its order. The order may either deny the application, grant the application or grant the application subject to such guidelines, standards, conditions and limitations as the Zoning Commission deems appropriate.

7501.67 -- Following approval of an application by the Zoning Commission, the applicant may file an application for a building permit with the proper authorities of the District of Columbia, together with all information required under Paragraph 7501.41. The Zoning Administrator shall not approve such a permit application unless:

1. The plans conform in all respects to the plans approved by the Zoning Commission as those plans may have been modified by any guidelines, conditions


or standards which the Zoning Commission may have applied.

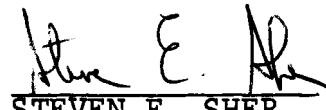
2. The applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, satisfactory to the Office of the Corporation Counsel and the Zoning Administrator, which covenant will bind the owner and all successors in title to construct on and use the property only in accordance with the adopted orders or amendments thereof of the Zoning Commission.

The Zoning Administrator shall act upon all permit applications within 60 days.

7501.68 -- The applicant shall file for a building permit to execute the project, or the first phase of the project if the Zoning Commission authorizes a staged development, within twelve months from the date the zoning order is entered.

Vote of the Commission taken at the public hearing held on September 15, 1977: 3-0 (Ruby B. McZier, John G. Parsons and Theodore F. Mariani to adopt, Walter B. Lewis and George M. White not present, not voting).

  
THEODORE F. MARIANI  
Chairman

  
STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on October 13, 1977 by a vote of 3-0 (Ruby B. McZier, John G. Parsons and Theodore F. Mariani to adopt, Walter B. Lewis and George M. White not voting, not having participated in the case).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 23 OCT 1977.

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